

1 UNITED STATES DEPARTMENT OF AGRICULTURE
2 Animal and Plant Health Inspection Service
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4

5 IMPORTED FIRE ANT PUBLIC) Docket No. 00-0008-1
6 MEETING,)
7)
8

9 Tuesday,
10 March 21, 2000
11

12 Wake County Commons Building
13 4011 Cary Drive
14 Conference Room
15 Raleigh, North Carolina

16 The above-entitled matter came on for hearing,
17 pursuant to notice, at 9:10 a.m.

18 BEFORE: ANIMAL AND PLANT HEALTH INSPECTION
19 SERVICE, USDA
20 MICHAEL LIDSKY
21 HOMER COLLINS
22 RON MILBERG

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1 P R O C E E D I N G S

2 MR. LIDSKY: Good morning, and welcome to the
3 Animal and Plant Health Inspection Services Public Meeting
4 to discuss issues related to the administration of the
5 Imported Fire Ant Program by Plant Protection and Quarantine
6 in light of reduced funding for fiscal year 2000. My name
7 is Mike Lidsky. I've been asked by the Deputy Administrator
8 for Plant Protection and Quarantine to be the moderator for
9 today's meeting. With me on my far right is Mr. Ron Milberg
10 and on my immediate right, Mr. Homer Collins. Mr. Milberg
11 is an operations officer for the Invasive Species and Pest
12 Management Staff in Riverdale, Maryland. This is the staff
13 that provides headquarters support to the Imported Fire Ant
14 Program.

15 Mr. Homer Collins is the research leader at the
16 Gulfport, Mississippi Plant Methods Lab. The lab is charged
17 with developing regulatory treatments for the Imported Fire
18 Ant Program.

19 The purpose of today's meeting in Raleigh is to
20 give interested persons an opportunity to present their
21 views or questions on the three options APHIS has presented
22 for comment, as well as to present other possible options
23 for administering the Imported Fire Ant regulatory program
24 in light of reduced funding. Notice of today's meeting was
25 published in the Federal Register on March 2nd at pages

1 11281 through 11283. Extra copies of the notice are
2 available at the registration table. Today's meeting is the
3 first of four public meetings we're holding to solicit views
4 from interested persons. The second meeting will be held in
5 Orlando, Florida on March 23rd at the Radisson Barcelo Hotel
6 at 8444 International Drive. The third meeting will be held
7 in Austin, Texas on March 28th at the Clements Building,
8 Committee Room 5, 15th and Lavaca Streets. And, the last
9 meeting will be held in Santa Ana, California on March 30th
10 at the County of Orange Hall of Administration Building,
11 Board of Supervisors Anteroom on the First Floor at 10 Civic
12 Center Plaza.

13 The format for today's meeting will be as
14 follows: After I complete my remarks on the procedural
15 aspects of today's meeting, Mr. Milberg will make a short
16 presentation on the history of the Imported Fire Ant
17 Program, as well as the regulatory options we've asked
18 persons to comment on. Should any questions arise about the

19 regulatory treatments that are currently available, or new

20 regulatory or control strategies that the agency is

21 pursuing, Mr. Collins will answer such questions.

22 Persons who have registered to speak will be

23 given an opportunity to speak before unregistered persons.

24 As the time permits, persons who have not registered will be

25 given an opportunity to speak, once all registered persons

1 have been heard. Today's meeting is scheduled to conclude
2 at 5:00 p.m. But, we may conclude the meeting before five,
3 if all registered persons have been heard, and there are no
4 other persons that wish to speak. I'll announce any other
5 procedural rules for the conduct of today's meeting, as may
6 be necessary.

7 All comments made here today are being recorded,
8 and will be transcribed. The court reporter for today's
9 meeting is Ms. Debra Anderson, who is associated with the
10 Heritage Reporting Corporation in Washington, D.C. Those
11 persons wishing to receive a copy of the transcript should
12 contact Heritage at area code (202) 628-4888. A copy of the
13 transcript will also be posted on the APHIS website at
14 www.aphis.usda.gov. The transcript will be ready in
15 approximately eight business days. A copy will also be made
16 publicly available at the APHIS Reading Room, in Room 1141
17 of the USDA South Building, 14th and Independence in
18 Washington, D.C.

19 As the moderator, I'll call each person that's
20 registered to make a prepared statement. Before commencing
21 your remarks, please state and spell your last name for the
22 benefit of the court reporter. In accordance with the
23 procedures noted in the March 2nd Federal Register notice,
24 I'm requesting that anyone that reads a prepared statement
25 please provide me with two copies of your statement at

1 either the commencement or the conclusion of your remarks.

2 Any written, as well as any oral statements
3 submitted or presented at today's meeting, as well as any
4 written comments submitted prior to the close of the comment
5 period shall be part of the public record. As a reminder,
6 the comment period closes on May 1. If an individual's
7 comments do not relate to the stated purpose of the meeting,
8 which is to present comments or questions on the proposed
9 options or to propose other options, it will be necessary
10 for me to ask the speaker to focus his or her comments
11 accordingly.

12 Any comments in addition to those presented at
13 today's meeting should be submitted to Docket Number 00-
14 0008-1, Regulatory Analysis and Development, PPD, APHIS,
15 Suite 3CO3, 4700 River Road, Unit 118, Riverdale, Maryland
16 20737. That address is noted in the Federal Register
17 notice. When submitting such comments by mail, please
18 submit an original and three copies. Lastly, we ask that

19 before you leave today, please take a minute or two to
20 complete a brief survey concerning the quality of today's
21 meeting. We need your feedback in order to determine if we
22 have met your needs, and if today's meeting has been
23 satisfactory to you.

24 After Ron Milberg's presentation, I will call the
25 first registered speaker. Ron?

1 MR. MILBERG: Okay, thank you, Mike. This
2 (indicating screen) is my telephone number and E-mail, if
3 anyone needs to contact me, if you have any questions after
4 today's meeting. Today I'll provide some background on the
5 IFA program, then talk about how it's evolved over the years
6 and finally, discuss today's situation.

7 To begin with, IFA was introduced into the
8 southern United States about 60 to 80 years ago. And after
9 the ants were first observed in 1920, landowners began
10 applying whatever was available, calcium cyanide dust, et
11 cetera. With the advent of chlorinated hydrocarbons to cost
12 effectively control ants, a federal quarantine was
13 established in 1958 to regulate infested areas. The
14 quarantine currently regulates all or portions of Alabama,
15 Arkansas, California, Florida, Georgia, Louisiana,
16 Mississippi, New Mexico, North Carolina, Oklahoma, Puerto
17 Rico, South Carolina, Tennessee and Texas. The quarantine
18 regulates movement of articles known to spread IFA,

19 including nursery stock and soil.

20 The early program goals, originally the original
21 program was a cooperative effort between APHIS and the
22 states in three areas, including detection, define and
23 eradicate isolated infestations, regulatory activity to slow
24 IFA's spread by controlling the movement of regulated
25 articles, and finally control activity to reduce ant

1 populations using wide area pesticide applications.

2 As registrations and food tolerances for
3 chlorinated hydrocarbons were cancelled in the 1960s and
4 '70s, wide-area pesticide applications were no longer
5 practical. Eradication programs were also limited by poor
6 efficacy of available pesticides.

7 The IFA program then shifted to baits and
8 organophosphates. Unfortunately, some of these compounds,
9 such as chloropyrophos, were less effective than previously
10 used materials. During the 1980s with the continued loss of
11 chemicals, the federal program shifted its focus towards
12 methods development, primarily testing of new treatments to
13 certify regulated articles for interstate movement.

14 And that takes us to today's situation where
15 during the 1990s, appropriations for federal domestic
16 programs declined or were capped, and states assumed more
17 IFA survey and regulatory responsibility. State activities
18 were conducted in part using cooperative funding agreements

19 with APHIS. Most federal dollars were passed through to the
20 states, to ensure compliance with the federal quarantine.

21 And I have a chart here that shows the funding
22 over the last ten years or so. As shown in this graph,
23 continued pressure on domestic budgets caused funding for
24 the IFA program to decline from about \$5 million in 1990 to
25 a \$100,000 in 2000. Of this year's \$100,000 appropriation,

1 \$58,000 was earmarked by Congress for regulatory activity in
2 New Mexico. So given the current funding level, essentially
3 no dollars are available to pass through to the other
4 states.

5 Now despite the low funding level, APHIS
6 continues to maintain the federal quarantine by annually
7 updating the list of infested areas contained in the Federal
8 Register. In addition, our investigative and enforcement
9 services staff looks at about 10 to 20 quarantine violations
10 annually. About a third of these cases are closed with
11 warnings issued by the local PPQ officer for first-time
12 violations. Another third are closed with no action, if the
13 shipping facility was under a compliance agreement and
14 treatments were applied in accordance with the agreement.
15 The last third are assessed civil penalties of up to \$1,000
16 per violation, which is the maximum allowed by statute. The
17 typical fine ranges from \$500 to \$2,000, depending on the
18 severity and the number of violations that are charged.

19 In addition to our IES activity, APHIS continues
20 to focus on the development of new regulatory treatments and
21 nursery compliance protocols to control or reduce ant levels
22 in nursery production areas. About \$350,000 is allocated
23 annually to the Gulfport, Mississippi Methods Development
24 Center. To our knowledge, Gulfport is the only facility in
25 the country that's developing IFA regulatory treatments.

1 And moving on to the main topic of today's
2 meeting, the potential options we have at this point, given
3 the above information, background and so on, we decided to
4 hold public meetings to get input on what direction the IFA
5 program should take. And to stimulate discussion on this,
6 we came up with these three options. That's not to say
7 these are the only three, but these are the three we came up
8 with: Under option one, we would maintain our Imported Fire
9 Ant program with minimal regulatory activity in line with
10 current funding. This option would provide uniform
11 standards and consistent interstate shipping requirements
12 for the regulated industry. Under this option, most states
13 would enforce the federal quarantine without federal
14 dollars.

15 Under option two, we would eliminate the federal
16 quarantine and develop model guidelines for the states to
17 use in harmonizing their quarantines. This option would
18 reduce federal costs, and may provide uniformity without

19 federal regulation. However, under this option, the states
20 may impose more or less stringent requirements. These
21 requirements could vary from state to state.

22 Under option three, we would eliminate the
23 imported fire ant regulations, and would participate in
24 establishing a voluntary nursery certification program.
25 This option would reduce federal costs and may provide

1 uniformity without federal regulation. However, such a
2 certification program is not mandatory, and could result in
3 less than 100-percent participation.

4 At this time, the agency has made no decision on
5 how to proceed. All options, including any submitted in
6 writing or presented at these meetings, will be considered
7 before a final decision is proposed. Thanks again for your
8 participation and interest today. And that concludes my
9 briefing.

10 MR. LIDSKY: Okay. Our first registered speaker
11 is Mr. Herman Jackson, please.

12 MR. HERMAN JACKSON: Good Morning. My name is
13 Herman B. Jackson, and I'm representing the Department of
14 Plant Industry, Clemson University, in the state of South
15 Carolina. I've been involved in plant regulatory and
16 quarantine work and programs for 25 years. Throughout this
17 time, I've had the opportunity to work cooperatively with
18 the USDA, APHIS, PPQ on many programs.

19 Today, I am here to speak to Docket Number 00-
20 0008-1 regarding the imported fire ant quarantine. The
21 APHIS program budget has been virtually eliminated for
22 fiscal year 2000. And as a result, APHIS is proposing to
23 severely curtail their involvement with the imported fire
24 ant program, or to eliminate the Imported Fire Ant
25 quarantine and regulations altogether.

1 As a state regulatory official, I strongly urge
2 and recommend USDA, APHIS to maintain the imported fire ant
3 program and do everything possible to reinstitute funding to
4 support the infested states in conducting surveys,
5 compliance monitoring and enforcement of quarantine
6 violations. The nursery industry in my state supports this
7 same position.

8 The imported fire ant quarantine provides for a
9 coordinated, consistent approach to slowing the fire ant's
10 spread. The quarantine also provides a uniform set of
11 regulations and guidelines that the nursery and greenhouse
12 industry, and all infested states, must follow to certify
13 regulated articles for interstate shipment. The
14 continuation of the fire ant program and quarantine is of
15 paramount importance to the states and the industry.

16 Without USDA, APHIS involvement, we can expect to
17 see a multitude of different state quarantines, restrictions
18 and requirements. This would seriously impact the nursery

19 and greenhouse industry in the infested states who market
20 their products throughout the United States, Canada and
21 foreign countries. Likewise, state regulatory officials,
22 who are already understaffed and underfunded as it is, will
23 be impacted by the sheer amount of information to comprehend
24 in order to provide advice and service to their industry.

25 The nursery industry in South Carolina is growing

1 by leaps and bounds. In 1994, the ornamental and turfgrass
2 industries in South Carolina generated sales estimated at
3 726 million. Of this amount, over 50 percent was due to
4 sales of plants, shrubs, trees and turf. Net income from
5 sales was estimated at over \$255 million. Now five years
6 later, I am positive that these figures have increased.
7 Cash receipts from the greenhouse, nursery and horticultural
8 industries have surpassed tobacco as the number 2 crop in
9 South Carolina, and now ranks secondly only to poultry
10 amount the state's top 10 commodities.

11 Thus, in summary, I strongly urge USDA, APHIS to
12 one, maintain the imported fire ant quarantine, two,
13 maintain its involvement with the fire ant program, three,
14 restore adequate funding, approximately \$3.5 million to the
15 2201 budget and, four, partner with the industry, the
16 American Nursery and Landscape Association, and the states
17 through the National Plant Board, to strengthen the total
18 fire ant program.

19 Likewise, I recommend that Congress, if there are
20 any Members or Representatives present, support the nursery
21 industry, USDA, APHIS, and the affected states by
22 appropriating or restoring approximately \$3.5 million in the
23 2001 budget. I thank you for this opportunity.

24 MR. LIDSKY: Thank you. Our next speaker is Mr.
25 Ken Glenn.

1 MR. KEN GLENN: Good Morning. I am Ken Glenn,
2 Currently Chairman of the Southern Plant Board, whom I
3 represent this morning. I'm also a member of the Department
4 of Plant Industry in South Carolina, Clemson University.

5 I appreciate the opportunity to be representing
6 the Southern Plant Board this morning. We are made up of 13
7 member states and serve to promote better understanding and
8 efficiency in the administration of laws and other written
9 instruments of regulatory authority between states, and to
10 protect agricultural and horticultural industries on state,
11 national and international levels.

12 The imported fire ant is a pest now found in 13
13 southern and western states. The seriousness of this pest
14 to the nursery industry, farmers and the human health threat
15 is well documented. The nursery industry is highly
16 concentrated in the South and West. Extremely important to
17 this industry are markets in other states. The fire ant
18 quarantine is important to maintaining those markets.

19 Due to budget support efforts by the nursery
20 industry and affected states, PPQ funding at a level of
21 \$1 million for about the last five years or so, has provided
22 limited support to state regulatory agencies for cooperative
23 survey and regulatory activities. Despite lobbying efforts,
24 the APHIS 2000 budget did not include funds to continue
25 these cooperative efforts.

1 Without proper funding, pressure within APHIS of
2 course is mounting to rescind the fire ant quarantine.
3 Members of the Southern Plant Board feel strongly that this
4 would create a very negative impact in the regulated
5 community.

6 Since 1958, the quarantine has provided uniform
7 rules under which regulated articles, including nursery
8 stock, could be moved from infested to noninfested areas.
9 This is important to the nursery establishments because the
10 quarantine provides a consistent set of regulatory
11 treatments for nursery stock and other regulated articles.
12 In the absence of a federal quarantine, there would be as
13 many state fire ant quarantines as there are states.

14 Historically, each state's quarantine would be
15 different and likely would be more restrictive than the
16 present federal quarantine. This scenario would impose
17 confusion and hardships, including a greater financial
18 burden, on the regulated community. Obviously, a federal

19 quarantine avoids this situation by providing for
20 certification consistency.

21 The Southern Plant Board urges USDA, APHIS, PPQ
22 to maintain the federal imported fire ant quarantine, even
23 though it is not perfect and probably needs updating. We
24 also feel that due to the importance of this issue to the
25 regulated industry, especially the nursery industry,

1 adequate funding should be restored. However, the federal
2 quarantine is needed, regardless of the funding status.

3 On the matter of funding, the Southern Plant
4 Board supports the proposal by the National Plant Board to
5 increase the baseline budget of PPQ by 7.5 million to fund
6 the IFA quarantine program. For the quarantine to work as
7 intended, sufficient resources are critical to provide fair
8 and uniform oversight and quarantine enforcement.

9 Another important issue is that research on the
10 imported fire ant pest conducted by the IFA laboratory in
11 Gulfport continue. Without the federal quarantine, it is
12 doubtful that it would. The regulated community must have
13 viable control alternatives for safely marketing regulated
14 articles. The laboratory provides those alternatives.
15 Promising new insecticides are coming along, which would
16 greatly assist the nursery industry.

17 The nursery industry is an important part of
18 agriculture throughout the Southeast. It ranks near the top

19 in agricultural cash receipts in this region. Such a
20 growing industry needs certification services that we
21 provide to market their products. The federal quarantine is
22 an essential tool in providing fair and uniform
23 certification services to that industry and others in
24 agriculture, while protecting our own environment and that
25 of other states.

1 As Southern Plant Board Chairman, I received a
2 letter from the South Carolina Nursery and Landscape
3 Association, Donna Shealy Foster, Executive Director. I'd
4 like to read that letter and include it as a part of this
5 paper. It's addressed to me, "Dear Ken, I am writing to you
6 to express our concern about the recent APHIS budget cut for
7 imported fire ant quarantine, control and research. We
8 think these regulatory activities are very important to the
9 well-being of the nursery industry.

10 The federal domestic imported fire ant quarantine
11 has provided a set of uniform rules for the movement of
12 nursery stock from infested areas to uninfested areas. This
13 consistent set of rules for treating and certifying nursery
14 stock has worked for the good of the industry, despite the
15 record keeping burden that comes with the rules. Without
16 these federal regulations, each state will develop its own
17 rules, which will be a nightmare for those who ship plants
18 into other states.

19 As Chairman of the Southern Plant Board, I hope
20 that you and the representatives from the other states can
21 work with groups such as the American Nursery and Landscape
22 Association and the Southern Nursery Association to
23 encourage federal funds to be reinstated for the imported
24 fire ant quarantine. Thank you for considering this
25 request, Sincerely, Donna Shealy Foster, Executive

1 Director."

2 Again, the Southern Plant Board supports
3 continuing the federal fire ant quarantine. We have been
4 supporters through the years and will continue to work with
5 PPQ to secure funding for the IFA program and cooperatively
6 enforce the quarantine.

7 Southern Plant Board members include the states
8 of Alabama, Arkansas, Florida, Georgia, Louisiana,
9 Mississippi, North Carolina, Oklahoma, South Carolina,
10 Tennessee, Texas, Virginia and the Commonwealth of Puerto
11 Rico. On behalf of the members of the Southern Plant Board,
12 thank you for this opportunity to publicly emphasize the
13 importance of this issue. We will continue to partner with
14 PPQ to improve, administer and support adequate funding for
15 the fire ant quarantine programs. Thanks.

16 MR. LIDSKY: Thank you. Our next speaker is Mr.
17 Lloyd Garcia, please.

18 MR. LLOYD GARCIA: Good Morning. My name is

19 Lloyd Garcia. That's G-A-R-C-I-A. I'm here on behalf of
20 the North Carolina Department of Agriculture and Consumer
21 Services, to provide comment to this panel concerning the
22 future direction of the regulations concerning fire ant.

23 I'd like to provide four basic statements
24 prepared by the NCDA, and premise these statements by
25 stating that the North Carolina Department of Agriculture

1 and Consumer Services recommends that the USDA continue to
2 implement the existing imported fire ant regulations, and
3 reinstate adequate funding necessary to implement a full and
4 robust regulatory program.

5 The first point I'd like to make is that the
6 federal regulations, as they are currently adopted provide
7 the minimum framework necessary to govern the interstate
8 movement of regulated articles from areas quarantined due to
9 the fire ant. Further, federal regulations enhance the
10 North Carolina Department of Agriculture's state-adopted
11 fire ant regulations by providing necessary resources for
12 the investigation of noncompliance issues.

13 The second point, USDA imported fire ant
14 regulations provide a uniform set of guidelines for
15 interstate movement of commodities considered as regulated
16 articles under the existing regulations. Uniform
17 regulations should be maintained to ensure regulated
18 commodities are allowed to move competitively and without

19 arbitrary restrictions to U.S. and also to international
20 markets.

21 The third point, the North Carolina Department of
22 Agriculture and Consumer Services supports the imported fire
23 ant methods development and evaluation currently conducted
24 at the Methods Development Center in Gulfport, Mississippi.
25 Continued and targeted control technologies are vital to

1 ensure an effective regulatory program is implemented. The
2 critical elements include the delivery of national standards
3 for the selection, application and documentation of controls
4 for fire ant. These program components are paramount in
5 preventing the establishment of the fire ant at sites
6 outside the generally infested area. Without federal
7 imported fire ant regulations, there would be limited
8 justification for this vital center.

9 The final point is that the NCDA urges the USDA
10 to further explore long-term strategies designed to reduce
11 the overall impact of the imported fire ant. Long-term
12 strategies include the development and implementation of
13 imported fire ant biological control programs, along with
14 the continued development of specific and environmentally
15 benign tactics and materials for the control of fire ant.

16 In conclusion, the North Carolina Department of
17 Agriculture urges continued support of the imported fire ant
18 program, along with allocation of adequate funding necessary

19 to fully implement an effective regulatory program. Thank
20 you for the opportunity.

21 MR. LIDSKY: Thank you. Mr. Don Alexander,
22 please.

23 MR. DON ALEXANDER: Good Morning. I appreciate
24 the opportunity to be able to speak to this panel this
25 morning concerning Docket 00-0008-1. I am Don Alexander. I

1 am the Director of the Arkansas State Plant Board. That's
2 A-L-E-X-A-N-D-E-R.

3 We're the primary pest agency within the state.
4 That's not pest, but pest control agency within the state.
5 We perform the activities that exclude and eradicate those
6 pests.

7 Since the fire ant was introduced in Mobile,
8 Alabama, the federal imported fire ant quarantine has been
9 the primary tool for regulation of its artificial spread,
10 both north, east and west. It has been responsible for the
11 limitations of the pest's movement to within its full
12 ecological range in the interim decades. The quarantine has
13 been successfully limiting the fire ant's range in the past.
14 It is currently working, and will continue to perform in the
15 future, if USDA, APHIS, PPQ will continue to support the
16 quarantine. The foresight of the quarantine's creators has
17 allowed the states to implement this important and vigilant
18 task. It is important that this effort continue to receive

19 this vital support from USDA, APHIS, PPQ in order to
20 effectively limit the spread of this alien invasive species.

21 To efficiently provide quarantine continuity
22 across the nation, USDA must furnish the support umbrella in
23 the limitation of this pest. It is in the interest of PPQ's
24 five-year mandate to invest their dollars into interstate
25 trade that the fire ant issue continues to garnish their

1 fullest support. Without the federal imported fire ant
2 quarantine protection, uninfested states will be forced to
3 enact individual external quarantines for their own
4 protection. Thirty-five potentially disparate quarantines
5 could result in a trading quagmire whose outcome would be
6 both economically and politically adverse. One can only
7 just imagine the shipping and regulatory nightmares that
8 such an action would produce in the daily trade between and
9 across these individual states.

10 One mission of USDA is to protect the nation from
11 alien invasive pest species. The fire ant not only affects
12 native ant populations and impacts the trade of agricultural
13 commodities, but also is a human health threat, as well.

14 Because of the wide nature of its impact on the
15 American public, the continued advancement of the fire ant
16 into virgin territories has made the fire ant issue high in
17 citizen awareness.

18 For the past decade, many of the chemical control

19 tools have been withdrawn or are now only marginally
20 effective. In addition, there has also been a continued
21 erosion of funding and resolve. This lethal combination of
22 events has allowed expansion of fire ants into previously
23 free zones, thus affecting more people's lives than ever
24 before.

25 I am here to ask you not to despair, but to find

1 a renewed hope for the future. While attending the annual
2 IFA Research Conference over the past years, my staff
3 members have learned of new tools for the battle and with
4 that, new optimism. Researchers across the South have been
5 diligently searching for new ways to manage and mitigate the
6 fire ant's impact on the human, animal and plant
7 populations. They have a clearer understanding of the fire
8 ant, and are developing biological controls, and new
9 chemical control tools. These are proving not only
10 ingenious, but effective for the management of this very
11 serious threat.

12 I ask you not to look on the failures of the past
13 decade, for we have survived. We are standing on the brink
14 of a wave of real progress through the use of more effective
15 IPM tools.

16 This is not the time to abandon the fight. This
17 is the time to infuse crucial funding for the effort and
18 support, not to rescind the regulatory framework. Thank you

19 for your time.

20 I also have a letter that I would like to enter

21 on the record from the Arkansas Legislative Joint Ag

22 Committee. It is signed by the senator, cochair, senator

23 and representative. I will not read it, but I would like to

24 enter it in the record.

25 MR. LIDSKY: Thank you. Our next speaker is Mr.

1 Robert Balaam.

2 MR. ROBERT BALAAM: Good Morning. My name is Bob
3 Balaam. That's B-A-L-A-A-M. I'm one of the few people here
4 who doesn't talk Southern. So, I hope you'll understand me.
5 As President of the National Plant Board, I am here
6 representing the state plant regulatory agencies of the 50
7 states and the Commonwealth of Puerto Rico.

8 The National Plant Board provides leadership in
9 plant protection and certification, and pest prevention and
10 management, while striving to harmonize efforts to protect
11 American agriculture, forestry, horticulture and the
12 environment from harmful organisms. We work to ensure a
13 healthy and abundant source of food and fiber, and an
14 economically viable agricultural industry, while practicing
15 environmental stewardship.

16 We applaud the USDA, APHIS, PPQ for holding these
17 meetings and permitting affected stakeholders to comment on
18 the course of action that the agency should take in dealing

19 with plant protection programs that affect us all. This
20 provides the transparency parameter that stakeholders have
21 been requesting from the agency. It also provides a forum
22 whereby congressional leaders -- those who provide the
23 agency with the necessary legal and funding authorities --
24 also have the opportunity to listen to the concerns of the
25 agency's stakeholders.

1 The imported fire ant is a serious pest currently
2 found in 13 states. This soil inhabiting pest creates
3 serious problems for property owners where the pest is
4 found. The insect is not so much of a plant pest as it is a
5 health risk for those individuals who may be stung when they
6 come in contact with the fire ant mounds. This includes
7 agricultural workers, recreational program managers and
8 everyday property owners.

9 The minimization of artificial spread of this
10 pest has been the reason for a federal quarantine. The
11 federal quarantine provides a uniform, level playing field
12 for those industries that ship nursery stock and other
13 regulated articles interstate. Without the existence of the
14 federal quarantine, individual states would most likely
15 promulgate their own quarantines based on specific concerns
16 and pressures within their own states. Such action would
17 create havoc for those industries that might have to adhere
18 to as many as 50 different quarantines.

19 In recent years, imported fire ant populations
20 within the quarantined area have increased in size
21 exponentially, due to the loss of effective control tools
22 and due to underfunding of quality-control measures within
23 the federal regulatory programs.

24 As this pest population has increased within the
25 infested area, it has put additional pressures on the

1 ability of the regulatory programs to prevent imported fire
2 ant spread through both natural and artificial means. The
3 states need USDA's continued and increased involvement to
4 prevent imported fire ant spread to new areas, and to
5 develop and implement biological control tools for
6 suppression of imported fire ant populations within the
7 infested areas.

8 Shipments of currently regulated articles that
9 are certified as free of imported fire ant are arriving in
10 uninfested states with imported fire ant present. This
11 should not happen if a plant quarantine were effective.

12 The USDA, APHIS, PPQ needs to provide increased
13 oversight of cooperative agreements with state plan
14 regulatory agencies for quarantine compliance in infested
15 states or nurseries.

16 The current funding allocated by PPQ to infested
17 states for ensuring such compliance is not sufficient.
18 Enforcement of a federal quarantine within an underfunded,

19 infested state may not be a high enough priority of that
20 state coordinator to dedicate the state funds for delivery of
21 such a federal program. The USDA needs to adequately fund
22 these states and provide sufficient oversight of the state
23 programs to ensure that the quarantine is adequately
24 addressed.

25 Uninfested states are demanding the protection

1 that the federal quarantine is designed to afford them.
2 Since 1996, PPQ has funded the imported fire ant quarantine
3 through a \$1 million annual appropriation. Prior to 1996,
4 funding was at a much higher level. A \$1 million program
5 has not been sufficient to contain the pest. Additional
6 infestations have broken out in New Mexico and California,
7 because the \$1 million fund has not provided that adequate
8 protection. Artificial spread has been substantive in
9 recent years, due to reduction of federal resources into the
10 program. California alone will spend over \$10 million
11 annually for the next five years in an effort to eradicate
12 imported fire ant from that state. Natural spread can not
13 be thwarted because of the loss of important pesticide
14 treatments.

15 For fiscal year 2000, PPQ is proposing three
16 options, as we heard Ron talk about earlier: One, maintain
17 the federal quarantine, two, rescind the federal quarantine
18 and develop model guidelines or three, establish a voluntary

19 nursery self-certification program.

20 The National Plant Board recommends that USDA,
21 APHIS, PPQ at least maintain the current funding level of
22 \$100,000 for the current fiscal year. More money is needed,
23 if possible.

24 In addition, we are proposing a fourth option for
25 fiscal year 2001, and that is increasing the baseline budget

1 of PPQ by \$7.5 million to fund the imported fire ant
2 quarantine program. This will require additional money from
3 Congress, and will require that Congress mandate that this
4 money not be allowed to be redirected to other PPQ programs.

5 We recognize that PPQ has higher plant protection
6 priorities within their current funding level. An increase
7 in global trade, new emerging plant pests and emergency
8 plant protection programs such as the Asian Longhorned
9 Beetle in New York and Illinois, Citrus Canker Disease in
10 Florida, Medfly in California and Florida, and now Plumpox
11 in Pennsylvania, have caused Plant Protection and Quarantine
12 to place increased emphasis on Agricultural Quarantine
13 Inspection activities -- that's AQI activities -- and have
14 diminished the amount of available funds for domestic plant
15 protection programs. These AQI and emerging pest programs
16 have been rightfully identified as high priorities for the
17 agency and the states as PPQ cooperators. There is still a
18 need, however, for PPQ to maintain a presence in oversight

19 and enforcement of domestic plant quarantines and other
20 domestic programs.

21 Therefore, any additional money specifically
22 directed to the agency as a result of this effort must be
23 dedicated specifically for imported fire ant quarantine and
24 methods development activity, or they will be quickly
25 targeted by the agency for AQI activities and emerging plant

1 pest programs.

2 We feel that \$1 million of the 7.5 million should
3 be dedicated to development and implementation of a
4 biological control of imported fire ant initiative. From a
5 long term standpoint, biological control programs are needed
6 within the infested areas to reduce the pressure that causes
7 natural spread and also to reduce the populations within
8 nurseries, and thereby reduce the risk of artificial spread
9 of imported fire ant. Effective chemical tools for imported
10 fire ant suppression and eradication are quickly becoming
11 non-existent. If the currently high imported fire ant
12 population pressures can be reduced within the infested
13 areas, the need for federal oversight and quality control of
14 a federal quarantine will probably be lessened.

15 The National Plant Board thanks the USDA, APHIS,
16 PPQ for the opportunity to publicly comment on this issue,
17 and offers our continued cooperation in developing and
18 delivering an adequately funded program that will support

19 the needs of our members and stakeholders. Thank you.

20 MR. LIDSKY: Thank you. Our next speaker is Mr.

21 Gray Haun, please.

22 MR. GRAY HAUN: Good Morning. My name is Gray

23 Haun. That's H-A-U-N. As a state plant regulatory official

24 for Tennessee and Plant Certification Administrator, I am

25 here representing the Tennessee Department of Agriculture.

1 I appreciate the opportunity to participate in this hearing
2 in order that the consequences of potential decisions that
3 can be made regarding the federal IFA quarantine will be
4 better understood. It also provides a forum whereby
5 congressional leaders also have the opportunity to listen to
6 the concerns of the agency stakeholders.

7 There are three basic options that are available
8 for us for fiscal year 2000: One, maintain our imported
9 fire ant program with minimal federal regulatory activity in
10 line with the current funding; two, eliminate the imported
11 fire ant regulations and develop model guidelines for states
12 to use in harmonizing their quarantines; three, eliminate
13 the imported fire ant regulations and establish a voluntary
14 nursery certification program.

15 One of the major goals of Tennessee Plant
16 Certification Section is the effective and efficient
17 prevention of artificial movement of quarantined pests,
18 including the imported fire ant.

19 As a partially IFA infested state, Tennessee
20 understands the benefits associated with a single set of
21 federal IFA quarantine regulations, as opposed to many
22 differing state IFA quarantines, and the importance of
23 adequate enforcement of existing federal IFA quarantine
24 regulations, as Tennessee has experienced numerous
25 artificial introductions in noninfested areas.

1 If the federal IFA quarantine is rescinded, there
2 will be many state IFA quarantines, each of which will
3 likely be considerably different from one another, and be
4 more difficult and expensive to comply with than the
5 existing federal IFA quarantine. This will increase the
6 cost of production of regulated articles for nurseries and
7 other businesses affected by the quarantine, as well as
8 limit their potential market because of the struggles and
9 even impossibility of being able to track and meet differing
10 state-by-state rules for how a crop must be grown, treated,
11 shipped and the paperwork that must be kept.

12 Individual states could arbitrarily quarantine
13 areas and make buffers in other states that are not actually
14 IFA-infested, or increase the cost and time that the state
15 in question would have to spend on survey activities to
16 verify that an area is not IFA-infested.

17 Also, if the federal imported fire ant quarantine
18 was rescinded, it is likely that the IFA laboratory in

19 Gulfport, Mississippi assigned to finding ways to certify
20 shipments free from IFA would be minimized, or totally
21 eliminated in the future. The facility provides much-needed
22 research in the development and refinement of quarantine
23 treatments for certification of regulated articles,
24 biological control and the preparation and distribution of
25 technical information on control, quarantine procedures and

1 other IFA-related information.

2 If the federal IFA quarantine is continued for
3 any appreciable amount of time, but underfunded, this will
4 cause law-abiding businesses to be at a competitive
5 disadvantage in the marketplace, due to the reduced
6 enforcement of violations, compliance monitoring and fire
7 ant surveys. An underfunded federal IFA quarantine will
8 result in a higher number of artificial IFA infestations in
9 the noninfested area and cause political pressure to be
10 exerted to rescind the federal IFA quarantine in favor of
11 more strict state IFA quarantines.

12 An adequately funded federal IFA quarantine will
13 result in a low number of artificial IFA infestations, a
14 competitively fair marketplace, and appropriate levels of
15 quarantine enforcement, monitoring and survey activities, as
16 well as research for insecticide development, biological
17 control and public awareness of the imported fire ant. The
18 serious impact of the pest and its ability to become

19 established in new areas by artificial movement makes
20 quarantine activities against IFA necessary.

21 There is widespread consensus among the regulated
22 businesses and state departments of agriculture that the
23 federal IFA quarantine should continue, but at an increased
24 level of funding so that both federal and state plant
25 protection personnel can adequately perform the various

1 tasks associated with the quarantine.

2 The state of Tennessee is in agreement that the
3 federal IFA quarantine should continue, and that funding
4 should be increased considerably, at least to \$7.5 million,
5 as outlined by the National Plant Board.

6 The current fiscal year 2000 budget for the
7 federal IFA quarantine calls for only \$100,000, with over
8 half of that money devoted to a research project in New
9 Mexico. This is totally unacceptable. In reality, this
10 budget level would make the federal IFA quarantine a law
11 that is not enforced by federal officials because of a lack
12 of funds to pay for the salaries and expenses of the
13 employees who would perform the work. Any enforcement or
14 other quarantine-related activities would fall to the
15 individual states to perform as best they could without the
16 federal funding.

17 Imported fire ants were believed to have been
18 first introduced in the U.S. in 1918 in Mobile, Alabama,

19 through the removal of ballast soil from ships from South
20 America. As an invasive alien species, the imported fire
21 ant has become endemic in all or portions of 13 states in
22 the U.S. There are numerous, well-documented problems
23 associated with IFA. These include medical, economic,
24 agricultural, environmental, industrial, legal and political
25 problems.

1 In a small percentage of the human population,
2 even a small number of IFA stings can cause a life-
3 threatening situation, due to anaphylactic shock. While
4 human deaths due to IFA are rare, they probably occur each
5 year in the United States. The most vulnerable are the very
6 young and the very old, which may not be able to receive
7 medical attention soon enough. The actual number of human
8 deaths due to IFA is not known due to underreporting and
9 misdiagnosis of cause of death. Other medical problems
10 include secondary infections, cosmetic effects and pain.
11 The fear of IFA stings deters many outdoor activities.

12 Types of economic damage include structural
13 damage to roads and sidewalks, electrical equipment damage,
14 lawn, garden and ornamental damage, and problems with pets.
15 Much expense and time are given for only temporary
16 management, as well as the use of noneffective products
17 against IFA. Other IFA costs include of course research and
18 quarantine compliance and enforcement.

19 Agricultural problems include the death of
20 animals, blindness and veterinary expense, decreased animal
21 quality, crop damage due to a number of factors, such as
22 damage and removal of seeds, damage to roots, tubers, stems
23 and fruit, herding of aphids, mound interference with
24 mechanical harvesting equipment, discouraging the use of
25 hand labor, interference with biological control efforts,

1 damage to irrigation systems, and the expenses in use of
2 control measures.

3 Environmental problems include pesticide overuse,
4 damage to plants, reducing the invertebrate fauna, and
5 impacting endangered species. IFA interferes with hunting
6 and fishing, and causes reduced utilization of parks and
7 recreation areas.

8 IFA are attracted to and damage outdoor ground-
9 placed industrial lighting, and destroys equipment involved
10 in communication, electrical distribution, traffic control
11 and cooling. IFA may also bore through waste containment
12 liners.

13 The various types of damage caused by IFA may
14 generate liability suits due to death or injury from fire
15 ant damage to equipment, fire ants in recreation areas and
16 parks, hotels, businesses and nursing homes. Fire ants
17 cause political problems because of the differences as to
18 who should deal with the ant, as well as how to deal with

19 the ant.

20 All or part of 27 counties in southern Tennessee
21 are already in the regulated area. However, at least with
22 the federal IFA quarantine, there is a consistent set of
23 rules and approaches for all nurseries in the regulated area
24 to produce and ship their plants into nonregulated areas.
25 In the next five to ten years, it is anticipated that a much

1 greater part of the nursery industry in Tennessee will be
2 adversely affected by IFA as the natural migration northward
3 continues.

4 It is important to protect this industry in
5 Tennessee, as well as all the people of Tennessee, from the
6 effects of the loss or underfunding of the federal IFA
7 quarantine. Even a small percentage decrease in the nursery
8 industry in Tennessee would result in several millions of
9 dollars of lost income and hundreds of thousands of dollars
10 in lost state and local tax revenue annually.

11 We therefore, out of the above-mentioned options
12 agree with option one, to maintain our imported fire ant
13 program with minimal federal regulatory activity, in line
14 with current funding for FY2000, although it is understood
15 that more funding is necessary, if possible. Option two, a
16 harmonization plant would only work if states agreed to what
17 were regulated items and how they would be cleared for
18 movement. Most states would probably prefer to set up their

19 own regulations without harmonization. Option three, a
20 voluntary nursery self-certification program is really not
21 an alternative. States are currently seeing new artificial
22 infestations when nurseries are required to follow the
23 federal program.

24 Again, Tennessee supports the National Plant
25 Board's fourth option for fiscal year 2001, increasing the

1 baseline budget for PPQ by \$7.5 million to fund IFA
2 quarantine programs.

3 Tennessee appreciates USDA, APHIS, PPQ for giving
4 us time to make comments as to how the imported fire ant
5 program needs to administered, and what to do in the short
6 term FY2000, prior to additional funding becoming available.
7 Thank you, sir.

8 MR. LIDSKY: Thank you. Our next speaker is Mr.
9 Eelco Tinga. And I hope I've pronounced that correctly.

10 MR. EELCO TINGA: Good Morning. My name is Eelco
11 Tinga, Jr., T-I-N-G-A. I am president of Tinga Nursery,
12 Incorporated, a family-owned business since 1913. And we
13 employ 20 to 30 people. I'm also vice president of the
14 North Carolina Association of Nurserymen. And I am in favor
15 of the current IFA program.

16 Two things interest me here, the continuity of
17 the national program to regulate the fire ant. And that
18 would be to have all the states and all the businesses that

19 ship plants know the rules and the ability to ship, and also
20 to provide health and safety to the public and workers in a
21 manner that's understood by all the people. And I think
22 that's very important. And thank you for the opportunity to
23 speak in favor of the current IFA program.

24 MR. LIDSKY: Thank you. Mr. Michael Worthington,
25 please?

1 MR. MICHAEL WORTHINGTON: Hi, I'm Mike
2 Worthington, W-O-R-T-H-I-N-G-T-O-N, of Worthington Farms in
3 Greenville, North Carolina. I am in a federal quarantine
4 area. If I knew there would be no regulation of nurseries
5 located in fire ant infested areas, and there would be no
6 restrictions on where I could ship my plant material, I
7 might not be here today. I do not expect that to happen. I
8 commonly ship plants to seven states. Many are not under
9 the federal fire ant quarantine. I believe many of those
10 states would choose to continue a slow-the-spread program.
11 My primary concern is that a uniform set of rules exist.
12 And if compliance is maintained, my company and others can
13 ship to any state without any restriction.

14 I also have a concern that negative publicity
15 generated from accidental shipments of fire ant-infested
16 plants to noninfested areas could greatly damage the nursery
17 industry as a whole. "Child is injured by fire ants at
18 local garden center," would not be a good headline for our

19 industry.

20 I intend to keep fire ants in check at my nursery

21 for the safety of my employees and my customers. Can we do

22 the same for the health of the public and the plant

23 industry?

24 The nursery industry is one of the few

25 profitable, growing areas of agriculture in the U.S. I hope

1 we will continue to protect it from this potential pitfall.

2 MR. LIDSKY: Thank you. Mr. David Hyatt, please?

3 MR. DAVID HYATT: This is in response to

4 reference to Docket Number 00-008-1. My name is David

5 Hyatt. I am the owner of Panoramic Farm, a wholesale

6 nursery operation located in Union County, North Carolina.

7 My nursery, like many others around the nation,

8 is a small, family owned farm business. I employ 15 full-

9 time employees. At this time, we have approximately 20

10 acres devoted to the production of nursery stock. We offer

11 a wide variety of plant material, including shrubs, trees,

12 ornamental grasses and perennials.

13 Our material is shipped throughout the

14 southeastern United States, from Georgia on up to New York.

15 The loss of the fire ant quarantine program could jeopardize

16 our ability to market plants in many of these states.

17 Because of USDA, APHIS involvement in the

18 quarantine, we have a consistent set of rules for all

19 nurseries to follow. If the quarantine were not in place,
20 individual states would develop their own rules, which would
21 make it very difficult to nearly impossible for us to comply
22 with the differing rules for each state concerning how a
23 crop must be grown, treated, shipped and the records that
24 must be kept.

25 The imported fire ant is both an invasive

1 species, and a human health threat. Because of this,
2 preventing the spread of imported fire ants is a legitimate
3 public goal, and I feel a reasonable expenditure of public
4 funds for the quarantine and research is warranted.

5 A standardized policy and adequate enforcement
6 are needed to ensure that businesses such as mine, which are
7 in compliance, are not at a competitive disadvantage with
8 nurseries in other states that have differing regulations.
9 This is possible only if adequate funding is available for a
10 nationwide quarantine program.

11 We bear a considerable cost to comply with the
12 quarantine requirements. In 1999, we spent \$7,000 on fire
13 ant treatment. Because of additional production space to be
14 added this year, our costs will increase to over \$10,000
15 annually. If we hope to reduce these costs over time, we
16 need measures in place that will continue the research into
17 more efficient and cost effective means of control.

18 At this time, our industry is the most promising

19 growth segment in American agriculture. It has grown
20 approximately 5 percent annually during the last decade. If
21 we hope to continue this steady growth, I feel we must
22 implement a partnership between the federal and state
23 governments which would restore the \$3.5 million in funding
24 for the USDA, APHIS fire ant program. The continued funding
25 of this program, along with contributions from those within

1 the industry, will help to ensure an effective quarantine
2 for years to come.

3 In closing, it is imperative that the USDA, APHIS
4 standardize regulations pertaining to the fire ant
5 quarantine program.

6 If this vital program is abandoned, the millions
7 spent by nursery owners and operators to comply with the
8 current regulations will have been for naught. In addition,
9 the lack of a standardized policy covering all states will
10 place additional financial and logistical burdens on nursery
11 operations.

12 It is our industry's hope that you will see the
13 benefits of this program, and implement measures that will
14 ensure its viability and effectiveness for years to come.
15 Thank you.

16 MR. LIDSKY: Thank you. Mr. Roger Spivey,
17 please?

18 MR. ROGER SPIVEY: It's Spivey, S-P-I-V-E-Y.

19 Good Morning. I want to thank you for the opportunity to
20 present the Tennessee Nursery and Landscape Association's
21 comments as they concern Docket Number 00-0008-1. I'm the
22 Executive Vice President of the Tennessee Nursery and
23 Landscape Association.

24 TNLA is a 95-year-old association with 650 plus
25 members. Our membership has seen the industry progress

1 through good times and bad. Every day they accept the
2 challenges of the elements and the marketplace. The fire
3 ant not only challenges their ability to conduct business,
4 it also presents a health hazard to their families and
5 neighbors.

6 If it were an industry problem, they would deal
7 with it. But it is much more, potentially a national health
8 problem. The federal government must assist our industry in
9 research and containment of this infestation. The only way
10 to contain it is federal sanctions for anyone who does not
11 follow guidelines. Individual states do not have the
12 authority or strength to enforce a quarantine that threatens
13 the public welfare.

14 The Tennessee Nursery and Landscape Association
15 members are in support of continuation of the imported fire
16 ant quarantine. There are presently three options
17 available. If we must choose, we vote to continue the
18 quarantine as it presently exists.

19 We however feel the quarantine is not sufficient.

20 For the future of the green industry in Tennessee, this
21 quarantine must be given more strength, and that means
22 additional funding.

23 Mr. Gray Haun of the Tennessee Department of
24 Agriculture, the Southern Plant Board and the National Plant
25 Board have given you a fourth option. And TNLA supports

1 this option.

2 This is one of, as most of the people in this
3 room know, two of the busiest times of the year for the
4 nursery industry, and especially in Tennessee. For that
5 reason, I, as the executive vice president, will present
6 statements, if permissible, from TNLA members who could not
7 make the trip to Raleigh. First, Mr. Ed Porter, Porter
8 Farms, past President of ANLA, TNLA and past commissioner of
9 agriculture for the state of Tennessee: "As a past
10 commissioner of agriculture for the State of Tennessee, I
11 see the chaos that will be caused, should the USDA, APHIS
12 quarantine be suspended. An already overloaded state
13 department would be required to administer an individual
14 quarantine, and then oversee compliance of 49 other state
15 quarantines." He also states, "as a grower, it will be
16 difficult to adhere to additional regulations that would be
17 promulgated by individual states. We now must follow only
18 one set of regulations. This is how it should remain."

19 Mr. Frank Collier is vice president of Pleasant
20 Cove Nursery, also of Tennessee. "Should the existing
21 quarantine be lifted, it will create a tremendous impact and
22 burden on the ball and burlap industry in Tennessee.
23 Growers who have been conducting business for years will be
24 forced to retool in order to comply with regulations each
25 state will enact."

1 Our fourth member is Mr. Greg Dunn, the owner of
2 Morning Star Nursery and a past president of TNLA. He
3 states, "fire ants involves not only the nursery industry,
4 but the sod, cattle and any other nontilled land in
5 Tennessee. The possibly more important question than how it
6 affects the agricultural industry, but what is the possible
7 hazard to small children and animals. This now becomes a
8 public safety question, which USDA and other federal
9 agencies must maintain a firm control of the program. This
10 is now too important a program to turn over to the
11 individual states to administer."

12 And last, Mr. Jerry Blankenship, past president
13 of TNLA, and a past employee of the Tennessee Department of
14 Agriculture: "The areas that are now most infested ship
15 within the infested area. With the introduction of the fire
16 ant into Tennessee, North Carolina, and other states, the
17 situation has changed completely. Tennessee ships 90
18 percent of its half billion dollar nursery production to now

19 non-infested areas. A firm and enforceable quarantine must
20 remain in place. In coming years, it must be improved to
21 continue to ensure the spread of fire ants does not
22 continue. This will require continued USDA and other
23 federal agencies' involvement."

24 As you have heard from these industry leaders in
25 Tennessee, this is a priority and concern for our members.

1 I want to thank you for the opportunity to share the
2 Tennessee green industry's concern for the fire ant, not
3 just a question of how to maintain or improve the
4 quarantine, but the more important concern of the potential
5 public health question. Thank you, Gentlemen.

6 MR. LIDSKY: Mr. Ted Bilderback, please?

7 MR. TED BILDERBACK: My name is Ted Bilderback,
8 that's B-I-L-D-E-R-B-A-C-K. I'm the Nursery Extension
9 Specialist at North Carolina State University. And I am
10 here to speak to 00-008-1, the imported fire ant program.
11 The nursery and greenhouse industry in the U.S. is the
12 fastest growing segment, you've heard an increase of 5
13 percent each year. The nursery and greenhouse industry is
14 becoming increasingly important to local, state and federal
15 economies.

16 In North Carolina, 1997 figures from the Ag
17 Research Service provided by Doyle Johnson, in North
18 Carolina it was a \$943,000,000.00 industry. That was large

19 enough to place us third in the U.S., and 13.4 percent of
20 the farm receipts in North Carolina, which ranks us
21 currently either first or second.

22 When I tell you that the nursery greenhouse
23 industry ranks first or second in North Carolina, that's a
24 big statement when you go back to historically, the position
25 of tobacco, and what the tobacco economy has meant to North

1 Carolina. So this industry is increasingly becoming
2 important to the economy of North Carolina, and throughout
3 the U.S.

4 As a Nursery Extension Specialist, I am familiar
5 with the impact and the effect of the imported fire ant on
6 the nursery industry. I'm familiar with the advancing
7 front, as it moves through our state each year, and how many
8 more new growers each year have to begin fire ant free
9 programs.

10 For this to have a good set of rules is very
11 important, as people try and attempt to comply with these
12 rules. And we need this uniform method of compliance which
13 is administered by USDA, APHIS.

14 Also, having experienced bites from fire ants in
15 a nursery setting, although not in North Carolina -- because
16 we do a good job of maintaining those -- I have firsthand
17 experience that a uniform set of rules should be enforced,
18 to reduce the movement of this invasive species. And we

19 need further research in the control, to reduce the movement
20 and control of this invasive species.

21 The North Carolina nursery industry then,
22 strongly urges the continuance of the USDA, APHIS imported
23 fire ant quarantine, and the funds need to be reinstated and
24 actually increased for this program. This option provides a
25 uniform set of regulations for slowing the movement of the

1 imported fire ant. The loss of this option, one, will
2 likely create chaos in the enforcement and fail in slowing
3 the movement and controlling the movement of the imported
4 fire ant.

5 Although the funding is limited, this option
6 needs to be continued considering the exponential growth of
7 the nursery industry. With the increase in numbers of
8 growers that's occurring and with the increased acreage
9 that's grown and with the importance of this industry, being
10 the most rapid segment of increased production in the U.S.,
11 it is critical that this budget be reinstated, and actually
12 increased -- increase the expenditure for this quarantine
13 program. Thank you very much.

14 MR. LIDSKY: Thank you. Mr. Joe Stoffregen. I
15 hope that's pronounced correctly.

16 MR. JOE STOFFREGEN: Good Morning. My name is
17 Joe Stoffregen, that's S-T-O-F-F-R-E-G-E-N. My family
18 operates Homewood Nursery and Garden Center in the north

19 Raleigh area. We are a retail nursery garden center and
20 greenhouses that includes greenhouse production facilities.
21 We grow a wide variety of flowering and foliage plants,
22 including bedding plants, geraniums, hanging baskets,
23 perennials and poinsettias. We employ just under 50 people.
24 I am also the president of the North Carolina Association of
25 Nurserymen, a trade association that represents over 900

1 members in North Carolina, and is one of the largest and
2 most active state associations in the Southeast. On behalf
3 of my family business and NCAN, I urge you to continue to
4 fund and enforce the fire ant quarantine.

5 My reasons are as follows: A consistent set of
6 rules from the federal government makes more sense than each
7 state grappling with this issue individually, and coming up
8 with separate rules that will vary from state to state and
9 make interstate business more difficult and confusing to
10 conduct.

11 Loss of the quarantine will threaten market
12 access affecting nurseries in the south and west trying to
13 ship to other parts of the country.

14 The quarantine is also consistent with the
15 current Executive Order on Invasive Species.

16 The nursery industry is the bright spot in
17 agriculture in our country. We do not often seek or desire
18 federal assistance. But this is an area where the

19 government is needed, and whose involvement would be
20 appreciated.

21 My last reason is a bit more personal. Fire ants
22 are an aggressive and invasive species that do pose a health
23 threat to all of us. I have three small children and live
24 in a neighborhood that does not have fire ants. For my
25 children's sake, I would like to keep it that way.

1 I urge you to restore the 3.5 million in funding
2 to the USDA fire ant line item to ensure a viable and
3 effective quarantine.

4 MR. LIDSKY: Thank you. Our last registered
5 speaker is Mr. Craig Regelbrugge, please.

6 MR. CRAIG REGELBRUGGE: Good Morning, Ladies and
7 Gentlemen. My name is Craig Regelbrugge, R-E-G-E-L-B-R-U-G-
8 G-E, with the American Nursery and Landscape Association.
9 And ANLA expresses its appreciation to APHIS for scheduling
10 this, as well as the three other public hearings which will
11 take place over the next two weeks around the country to
12 receive testimony on the status and the future of the
13 federal domestic quarantine for imported fire ant.

14 ANLA is the national trade organization for the
15 nursery and landscape industry, directly representing 2,300
16 nursery and greenhouse growers, landscape professionals and
17 independent retail garden centers, and as well through the
18 membership of state and regional associations, helping to

19 represent the views of an additional 15,000 small and family
20 businesses in the industry.

21 According to the USDA's National Agricultural
22 Statistics Service, the nursery and greenhouse industry
23 remains the fastest growing agricultural sector in terms of
24 cash receipts. Others have already spoken to the fact that
25 we are the bright spot in American agriculture at a time

1 when much of agriculture is in very difficult times, or even
2 in decline.

3 The 1997 Census of Agriculture shows that
4 nursery, greenhouse and floriculture crop sales totaled 10.9
5 billion in 1997, which represents a 43-percent increase in
6 sales over the previous census. And frankly, we believe
7 that the census numbers are low compared to other USDA
8 estimates. Together, our crops make up 11 percent of total
9 U.S. farmgate receipts, up from 10 percent in 1992.

10 We now rank as the third largest plant crop,
11 behind corn and soybeans, but ahead of such major crops as
12 wheat, cotton and tobacco. Nursery and greenhouse crop
13 production now ranks among the top five agricultural
14 commodities in 24 states and among the top 10 in 40 states.

15 The environment for this industry's growth and
16 for orderly commerce and the marketing of nursery crops has
17 been enhanced by nursery licensing, inspection,
18 certification and quarantine programs of the federal

19 government, the U.S. Department of Agriculture and its state
20 counterparts. A continued investment in such programs is
21 warranted, given our industry's growing importance and
22 economic contribution.

23 ANLA vigorously supports the continuation and
24 adequate funding and enforcement of the federal imported
25 fire ant quarantine. I'd like to comment on several aspects

1 of that position.

2 But also for those of you, particularly of the
3 industry who are present here today, I'd like to state to
4 you that this position has been developed over ten years of
5 extensive consultation with the industry in both infested
6 and in uninfested areas.

7 IFA, as we've heard already, is a serious and
8 costly invasive pest. Its impacts on agriculture, other
9 industries, natural resources and as a nuisance and human
10 health pest have been well documented. Management of IFA
11 impacts remains a major research effort at both the federal
12 and state level.

13 And early predictions of a very limited favorable
14 range for IFA in North America have already been proven
15 wrong. At a minimum, it is reasonable to expect that much
16 of Virginia, Delaware, New Jersey, Tennessee, Arkansas,
17 Oklahoma, New Mexico, Arizona, Nevada, California, Oregon,
18 Washington, Idaho and Hawaii are vulnerable to IFA

19 infestation. Evidence also suggests that IFA may survive in
20 much colder climates associated with buildings and other
21 structural protection. If this is true, most of the
22 continental United States and Hawaii could ultimately be
23 affected.

24 Minimizing both the rate of spread of IFA to
25 uninfested areas, and the impacts within infested areas are

1 matters of sound public policy. ANLA finds it astounding
2 that for many years, USDA has not sought budgetary resources
3 to maintain an effective quarantine program.

4 The contiguous area of IFA infestation now
5 stretches from eastern North Carolina through Florida and
6 west, through much of Texas. Huge areas of the U.S. are
7 still uninfested, and want to stay free of this significant
8 human health and agricultural pest for as long as possible.

9 Given that the major IFA quarantine purpose is to
10 minimize the long distance artificial spread of the pest,
11 from a nursery perspective, the quarantine has worked rather
12 effectively over the years. Infested states in the south
13 and southeast are major plant producers and shippers to
14 points north.

15 Florida is the second largest nursery and
16 greenhouse production state in the U.S. Texas and North
17 Carolina are duking it out for third, as we speak, but both
18 are very major players.

19 Millions of plants are shipped up the eastern
20 seaboard, to the Midwest and even in some cases, to the West
21 each year with very infrequent quarantine violations. In
22 recent years, though, quarantine violations and localized
23 infestations of imported fire ant seem to be on the
24 increase.

25 To the extent nursery plants are contributing to

1 this situation, the evidence suggests that the problems are
2 mostly associated with the movement of uncertified plant
3 material, which is a failure of the quarantine from the
4 standpoint of enforcement and oversight.

5 We think, as Bob Balaam alluded to already, that
6 there is a direct correlation between decreasing funding,
7 decreasing enforcement and oversight, and the increase in
8 such quarantine violations. In the end, it's a case of "you
9 get what you pay for."

10 Talking a little bit about the consequences of
11 deregulation, the quarantine, as we've already heard,
12 establishes a framework for the coordinated and consistent
13 approach to slowing the fire ant spread. Without USDA
14 involvement, states will have to endure alone the burden of
15 trying to deal with these pests. Experience with other
16 quarantine pests and noxious weeds has clearly demonstrated
17 that meaningful federal participation enhances the effort.

18 States have varying resources and priorities. If

19 efforts are not unified, one state's vigilance is easily
20 undermined by a neighboring state with a lax quarantine
21 program.

22 Several factors associated with the national
23 marketplace for nursery stock, including short interval
24 delivery and brokerage, also contribute to a greater risk
25 when certification and shipping regulations vary from state

1 to state. All this translates to a less effective effort to
2 slow IFA's spread.

3 APHIS has suggested that it could play a role in
4 the development of a model quarantine for states to
5 consistently adopt. The closest model for such an effort
6 has involved Japanese Beetle. While the harmonization
7 effort for Japanese Beetle has made some progress, there is
8 still not full adherence to the framework that was set up
9 through the Japanese Beetle Harmonization Program, after
10 nearly 10 years of effort and considerable investment and
11 negotiations by USDA, states, and the private industry.

12 Neither APHIS, nor the states has an adequate
13 transition strategy that would allow for a uniform,
14 consistent, binding and effective approach to managing the
15 fire ant risk. Only the umbrella of a federal quarantine
16 creates the environment for such an approach.

17 Uninfested states should be especially concerned
18 over deregulation now, just as IFA is beginning to spread

19 into middle Tennessee, further east in North Carolina and
20 towards southeast Virginia, these are very major nursery
21 areas which will likely contribute to the long distance
22 spread of IFA, if we no longer have consistent expectations
23 for nursery stock certification. The same may hold true for
24 southern California.

25 Eventually IFA will spread by natural means, and

1 accidental artificial spread to occupy its potential natural
2 range in North America. There will be a point somewhere
3 between now and then when the cost of maintaining the
4 quarantine will exceed the benefit to uninfested areas. We
5 do not believe that we are anywhere near that point at this
6 time.

7 IFA quarantine revocation will be disruptive for
8 states and for private industry. A decision to revoke the
9 quarantine should only be made after an economic analysis of
10 the quarantine's cost, versus the resources that would
11 otherwise be spent controlling the pest in currently
12 protected pest free areas.

13 I'd like to make a couple of comments on the
14 resource side of the equation. USDA, APHIS seems to suggest
15 that the loss of funding for the quarantine effort indicates
16 a lack of congressional and public support. Such an
17 assertion is only partly true, at best. For years the
18 administration has played a game with the appropriations

19 process, proposing elimination of funding for the IFA
20 program, while knowing that congressional leaders would
21 restore funding. Unfortunately, last year IFA funding
22 finally slipped through the cracks of an increasingly
23 complex appropriations process, leading to the current
24 crisis.

25 Prior to the worsening federal funding shortfalls

1 of the last few years, the quarantine was truly a
2 partnership effort. The federal share covered certain
3 administrative activities, and assisted with state level
4 efforts such as survey and compliance monitoring efforts.
5 Affected state departments of agriculture provided most of
6 the funding and the staffing to carry out in-state
7 responsibilities. And the regulated industry absorbed the
8 cost of treatments and inspections needed to certify their
9 product for movement. Unfortunately, the funding burden has
10 shifted increasingly to the states with growing
11 inconsistencies and shortcomings in the process.

12 Some have suggested that if industry benefits
13 from the quarantine, industry should fund a greater share.
14 In reality, the benefits of the quarantine accrue broadly to
15 governments, industry and the residents of areas that are
16 protected from infestation. There is a legitimate role,
17 therefore, for government funding most of the quarantine
18 activities.

19 Individual nurseries participating in the fire
20 ant free nursery program incur direct treatment costs, often
21 in excess of tens or even over a \$100,000 annually for some
22 of the larger operations. The labor associated with
23 scouting, record keeping and similar administrative expenses
24 is over and above those direct treatment costs. In short,
25 industry has given at the office, and should not be looked

1 to for funding general quarantine activities.

2 In conclusion, IFA is a national problem.

3 Considerable areas of the U.S. are vulnerable to its
4 infestation over time. A coherent regulatory partnership
5 between USDA, APHIS, the states and industry can effectively
6 slow the spread of IFA to new areas.

7 The program, properly funded, is consistent with
8 and supportive of U.S. goals relative to mitigating invasive
9 species impacts. Deregulation will jeopardize efforts to
10 protect areas that are presently free, and shift an undue
11 burden onto states in the affected industry.

12 The quarantine should be maintained, and federal
13 assistance should be restored. The administration should
14 vigorously support reinstatement of adequate federal funds
15 for the federal government to fulfill its partnership
16 obligation to the IFA quarantine.

17 According to the National Plant Board, who has
18 done some recent calculations, federal funding of 7.5

19 million beginning in FY2001 will accommodate an effective
20 regulatory program. We have attached to our testimony a
21 copy of the detailed funding analysis developed by the
22 National Plant Board.

23 Finally, USDA, APHIS has maintained an imported
24 fire ant methods development program, which has contributed
25 immeasurably to an effective and cost-effective quarantine.

1 Funding is derived from a separate line item of the APHIS
2 budget. This methods development effort should continue.
3 There is major work to do, for example, in the area of
4 finalizing some potentially promising treatments, which
5 would make certification of field grown ball and burlap
6 nursery stock easier and most cost effective.

7 Thank you for this opportunity to present the
8 views of the American Nursery and Landscape Association on
9 this issue. We pledge to work with APHIS, with the National
10 Plant Board, with Congress and others to ensure an
11 effective, consistent and reasonable imported fire ant
12 quarantine. Thank you.

13 MR. LIDSKY: Thank you. Mr. Regelbrugge is the
14 last registered speaker. Are there any other persons who
15 have not registered, who have any comments they would like
16 to make? Sir?

17 MR. JAMES SCOGGINS: Good Morning, and thank you.
18 I appreciate the opportunity to provide input in this public

19 hearing. My name is James Scoggins. I'm with White
20 Nurseries of North Carolina, where I manage that facility.
21 I'm speaking on behalf of Horticultural Farms, Incorporated
22 who owns White Nurseries of Cairo, Georgia. They own White
23 Nurseries of North Carolina, and they own Berry Hill
24 Nurseries in Springfield, Ohio.
25 White Nurseries in Cairo, Georgia has been in

1 business as a wholesale nursery for a 113 years. We were
2 there before the fire ants. It employs about 650 team
3 members.

4 Berry Hill Nurseries in Springfield, Ohio is
5 outside of the quarantine area, but it has been in business
6 for 86 years. It employs 120 team members.

7 The site at LaGrange, White Nurseries of North
8 Carolina, has been in business for four years. We employ 45
9 team members. When I walked that property, there were two
10 hills of fire ants on it. We have numerous fire ants in the
11 area today.

12 As a group, we grow more than 3,000 line items of
13 plant material, and ship into more than 30 states, just
14 about every state east of the Mississippi and some on the
15 other side.

16 As a nursery, we bear considerable cost to comply
17 with the quarantine requirements. If you go back to the
18 first period of time when the regulations came into effect,

19 our costs were about \$40,000 on the chloridine system. When

20 Talstar came into effect, it went up to over \$200,000.

21 Currently with Fire-Ban, it's costing us more than \$80,000.

22 We need to continue operation of the fire ant

23 research station in our opinion in order to search for and

24 provide better ways to control the fire ants.

25 If you've ever stepped in a bed of fire ants and

1 it's crawled up your leg and bit you about a hundred times,
2 you don't want that rascal around anywhere. Those of us who
3 have it are having to live with it. We don't need to share
4 that with people that don't have it.

5 In fact, I suspect that if the people outside of
6 the quarantine area knew what was in store for them, if fire
7 ants were to intrude into their area, there wouldn't be
8 enough room in this entire complex to house the people who
9 would be here giving input into this hearing.

10 We're on the side of the growers' side, so we see
11 what's happening. So hopefully we can provide input that
12 you can carry back, and do something gainful with.

13 We'd like to continue to work with the imported
14 fire ant research lab, as I said, to search for better
15 control. We ask that you maintain the federal imported fire
16 ant regulation program and continue this quarantine program,
17 and we ask for funding for the USDA, APHIS fire ant line
18 item of \$7.5 million. Thank you.

19 MR. LIDSKY: Any other persons that would like to
20 speak, comments, questions? Sir?

21 MR. MIKE EVANS: My name is Mike Evans,
22 E-V-A-N-S. I'm the Director of the Plant Protection
23 Division within the Georgia Department of Agriculture. I'd
24 like to take a few minutes this morning reiterate what my
25 colleagues from the other state regulatory agencies have

1 stated.

2 The green industry in Georgia is growing by leaps
3 and bounds, as well as in other states. The fire ant
4 regulations in place even the playing field for the large
5 nurseries likewise, down in Cairo, as well as the small
6 nurseries that are starting up.

7 If the fire ant quarantine were to be lifted, it
8 is my opinion and the opinion of many of the nursery folks
9 with whom I've spoken, that this would create an uneven
10 playing field, put them at an economic disadvantage, trying
11 to compete with larger nurseries.

12 Georgia is in support of the National Plant Board
13 proposal of \$7.5 million for fire ant, and for leaving the
14 fire ant quarantine in place. Thank you.

15 MR. LIDSKY: Thank you. Any other persons who
16 would like to speak? I have a few brief remarks. I'd like
17 to thank everyone for coming out and showing their support
18 for the program. I can assure you that these comments will

19 be carefully considered, both by the PPQ management team,
20 the regional and national plant board, and we certainly
21 appreciate the unequivocal support that has been shown today
22 for this program. Mr. Milberg or Mr. Collins, do you have
23 any comments that you'd like to make before we close?

24 MR. COLLINS: I just want to mention about three
25 or four emerging technologies that some people may be

1 interested in here. I think the next insecticide that
2 you'll see available for use in nursery stock is a product
3 called fipronil. It's highly effective at low dose rates,
4 applied at .1 pounds AI per acre on grass sod, we get season
5 long control. At 25 ppm in potting media, we get two years
6 of control.

7 Probably the next emerging technology beyond that
8 is a product called Spinout which contains biphenethren
9 impregnated into that technology inside the container. So,
10 that eliminates the necessity of blending the toxigen into
11 the media. We're starting to work with some Promethean
12 film, which is laid down as a weed barrier, has insecticide.
13 So that's what to be looking for.

14 MR. MILBERG: I'd just like to thank everyone
15 again for attending. And a special thanks to Edna Suggs for
16 setting this facility up for us. It worked out very well,
17 Edna, and we appreciate all your efforts.

18 MR. LIDSKY: And lastly, if you have the time,

19 there is the survey form, and I have extra copies of it
20 here. And there are some on the registration table. You
21 can leave your completed survey either here or on the
22 registration table. Thank you very much.

23 (Whereupon, at 10:45 a.m., the hearing was
24 concluded.)

25 //

1 U.S. DEPARTMENT OF AGRICULTURE

2 REPORTER'S CERTIFICATE

3

4 I, Debra Anderson, reporter, hereby certify that

5 the foregoing transcript consisting of 63 pages is a

6 complete, true, and accurate transcript of the testimony

7 indicated, held on March 21, 2000 at Raleigh, North Carolina

8 In the Matter of: Imported Fire Ant Public Meeting.

9 I further certify that this proceeding was

10 recorded by me, and that the foregoing transcript has been

11 prepared under my direction.

12

13 Date: March 21, 2000

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